

**UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT ILLINOIS, EASTERN DIVISION**

In re:) **Case No. 09 B 42043**
)
) Chapter 13
LEWIS ERVIN,)
) Hon. Deborah L. Thorne
Debtor.)

NOTICE OF FILING

To: See Attached Service List

PLEASE TAKE NOTICE that on **January 5, 2016**, I filed with the Clerk of The United States Bankruptcy Court **DEBTOR'S REPLY TO CREDITOR'S RESPONSE TO NOTICE OF CURE**, a copy of which is attached and served on you.

LEWIS ERVIN

By: /s/ Rusty A. Payton

One of Debtor's Attorneys

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CERTIFICATE OF SERVICE

I, the undersigned, an attorney, hereby state that pursuant to the Administrative Procedures for the Case Management/Electronic Case Filing System, I caused a copy of the foregoing **NOTICE OF FILING** and **DEBTOR'S REPLY TO CREDITOR'S RESPONSE TO NOTICE OF CURE** to be served on all persons set forth on the attached Service List identified as Registrants through the Court's Electronic Notice for Registrants, and, as to all other persons on the attached Service List by mailing a copy of same in an envelope properly addressed and with postage fully prepaid and by depositing same in the U.S. Mail on **January 6, 2016**.

By: /s/ Rusty A. Payton

SERVICE LIST

Registrants Served Through the Court's Electronic Notice for Registrants:	Parties and Creditors Served by U.S. Mail:
Patrick Layng, United States Trustee 219 South Dearborn Street, #873 Chicago, Illinois 60604	Rachel Okafor, Assistant Vice President Bank of America, NA 2380 Performance Drive Richardson, TX 75082
Marilyn Marshall 224 S. Michigan, Suite 800 Chicago, IL 60604	Ocwen Loan Servicing, LLC PO Box 24781 West Palm Beach, FL 33416
All registrants with the Court's ECF system for the instant case	Shellpoint Mortgage Servicing PO Box 10826 Greenville, SC 29603

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DEBTOR'S REPLY TO CREDITOR'S RESPONSE TO NOTICE OF CURE

Debtor, Lewis Ervin, by and through counsel, for his Reply to Creditor's Response to the 3002.1 Notice issued by the Trustee, states as follows:

1. The Creditor's Response [See Claim 4-1; Doc] is factually in error. Debtor's previous mortgage loan servicer, BAC Home Loan Servicing LP, never properly filed a correct notice of mortgage payment change in this bankruptcy case and ended up with approximately \$12,000 in excess funds after internal audit. BAC erred in collecting these excess funds and then sent a check to fix the error to the Chapter 13 Trustee.

2. Servicing transferred to new servicer, Ocwen Loan Servicing, who filed a response to the Trustee's Notice of Final Cure which claimed that the account was past due and that the borrower needed to remit the \$12,000 in excess funds that was collected in error. Ocwen Loan Servicing

is trying to improperly collect on the excess funds for a second time in violation of RESPA.

WHEREFORE, the Debtor submits this reply to the Rule 3002.1 notice of final cure.

Respectfully submitted,

LEWIS ERVIN

By: /s/ Rusty A. Payton

One of His Attorneys

Counsel for Debtor

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